

# **EXHIBIT D**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ANDREW CORZO, SIA HENRY, ALEXANDER  
LEO-GUERRA, MICHAEL MAERLENDER,  
BRANDON PIYEVSKY, BENJAMIN SHUMATE,  
BRITTANY TATIANA WEAVER, and CAMERON  
WILLIAMS, individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA  
INSTITUTE OF TECHNOLOGY, UNIVERSITY OF  
CHICAGO, THE TRUSTEES OF COLUMBIA  
UNIVERSITY IN THE CITY OF NEW YORK,  
CORNELL UNIVERSITY, TRUSTEES OF  
DARTMOUTH COLLEGE, DUKE UNIVERSITY,  
EMORY UNIVERSITY, GEORGETOWN  
UNIVERSITY, THE JOHNS HOPKINS  
UNIVERSITY, MASSACHUSETTS INSTITUTE  
OF TECHNOLOGY, NORTHWESTERN  
UNIVERSITY, UNIVERSITY OF NOTRE DAME  
DU LAC, THE TRUSTEES OF THE UNIVERSITY  
OF PENNSYLVANIA, WILLIAM MARSH RICE  
UNIVERSITY, VANDERBILT UNIVERSITY, and  
YALE UNIVERSITY,

Defendants.

**Case No. 1:22-cv-00125**

**Hon. Matthew F. Kennelly**

**DECLARATION OF TED TATOS**

I, Ted Tatos, declare as follows:

1. I am an economist and statistician currently serving as a consultant at EconONE Research, which has been retained by Plaintiffs to provide consulting services in connection with this litigation.

2. I specialize in economic and statistical analysis, including in the areas of antitrust and higher education. In addition to my consulting practice, I am an Adjunct Professor of economics at the University of Utah, where I most recently taught Applied Econometrics for graduate students. I am also the Associate Economics Editor of the Antitrust Bulletin journal. I regularly publish in economic and law journals on antitrust, labor, statistics, higher education, and intellectual property issues. I have published in the Journal of Antitrust Enforcement, the Antitrust Bulletin, the Harvard Journal of Sports & Entertainment Law, the Federal Circuit Bar Journal, the Appraisal Journal, and others. Much of my research has occurred at the intersection of higher education and intercollegiate athletics.

3. In my review of Penn's structured data, I observed designations assigned to applicants called "SI," "special interest," "Bona Fide Special Interest," "bonafide\_si," "BSI," "BSI-A," "BSI-B," "BSI-C" (collectively "special interest designations") among others.

4. Based on my review of the structured data provided by the University of Pennsylvania ("Penn"), I have observed the following regarding the special interest designations contained therein:

5. I could not find special interest designations among Penn's structured data for the years 2016 through 2018.

6. For admissions years 2003 to 2009:

- a. Penn admitted approximately 18.42 percent of undergraduate applicants. I have also verified my results by comparing them to public data and published sources.<sup>1</sup>

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<sup>1</sup> See, e.g., Sara Levine, Admission rates drop at Penn, Ivies, The Daily Pennsylvanian, April 11, 2003, *available at* [https://www.thedp.com/article/2003/04/admission\\_rates\\_drop\\_at\\_penn\\_ivies](https://www.thedp.com/article/2003/04/admission_rates_drop_at_penn_ivies). My results are consistent with this drop over time. I have verified the Penn admissions rates as reported in the Department of Education's Integrated Postsecondary Education Data System (IPEDS). For example, I have calculated a 7.6 percent admissions rate in

- b. Penn admitted approximately 65.69 percent of applicants with a special interest designation.
- 7. For admissions years 2010 to 2015:
  - a. Penn's admission rate for all applicants was 11.72 percent.
  - b. Penn's admission rate for applicants with a BSI-A designation was 86.88 percent.
  - c. Penn's admission rate for applicants with a BSI-B designation was 70.43 percent.
  - d. Penn's admission rate for applicants with BSI-C designation was 42.79 percent.
- 8. For admission year 2019:
  - a. Penn's admission rate for all applicants was 7.56 percent.
  - b. Penn's admission rate for applicants with a BSI-A designation was 73.18 percent.
  - c. Penn's admission rate for applicants with a BSI-B designation was 45.76 percent.
  - d. Penn's admission rate for applicants with BSI-C designation was 22.03 percent.
- 9. The table below reflects the data I referenced above, where "Any SI Designation" from 2003 to 2009 includes "bonafide SI", "Dean Admission SI", and "Potential SI" students.

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2019 from the Penn structured data. My analysis of the IPEDS data shows a corresponding 2019 Penn admissions rate of 7.7 percent, a nearly identical figure to that obtained from the structured data. My calculation also corresponds closely with the 7.4 percent acceptance rate reported by the Daily Pennsylvanian in March 2019. See, Gillian Diebold, Penn admits a record-low 7.44 percent of applicants to the Class of 2023, *The Daily Pennsylvanian*, March 28, 2019, available at <https://www.thedp.com/article/2019/03/penn-acceptance-ivy-league-regular-decision-admissions-class-2023>. As the paper explains, "The Daily Pennsylvanian is the University of Pennsylvania's independent student media organization." (<https://www.thedp.com/page/about>).

<b>Category</b>	<b>2003-09 Admission Rates</b>	<b>2010-15 Admission Rates</b>	<b>2019 Admission Rates</b>
All undergraduates	18.42%	11.72%	7.56%
Any SI Designation	65.69%	---	---
BSI-A Designation	N/A	86.88%	73.18%
BSI-B Designation	N/A	70.43%	45.76%
BSI-C Designation	N/A	42.79%	22.03%

10. Based on these findings, I conclude that a materially significant difference exists between the admission rates of students with the special interest tag when compared to the admission rates of all students; Penn admitted students with a special interest tag at a substantially higher rate than the corresponding admission rate of its entire undergraduate applicant pool.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on February 9, 2024 in Draper, Utah.




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Ted Tatos